



JANUARY 2016

COUNTRY SUMMARY

Thailand

The ruling National Council for Peace and Order (NCPO)—led by Prime Minister Gen. Prayut Chan-ocha—took power in a coup in May 2014. Despite initial promises to restore democracy within one year, the junta in 2015 exercised increasingly dictatorial power and continued to systematically repress fundamental rights and freedoms.

Deepening Authoritarianism

Instead of paving the way for a return to democratic civilian rule as promised in its so-called “road map,” the junta has created a political system that seems designed to prolong its grip on power.

On March 31, 2015, nationwide enforcement of the Martial Law Act of 1914 was replaced with section 44 of the interim constitution. Section 44 provides unlimited administrative, legislative, and judiciary powers to Prayut in his capacity as the NCPO chairman without any oversight or accountability. The interim constitution also absolves anyone carrying out actions on behalf of the NCPO of all legal liability.

Growing opposition to military rule prompted junta leaders to claim that Thailand was not ready for a constitutional referendum or a general election. The National Reform Council rejected the draft constitution on September 6, 2015, extending the junta’s rule to at least until 2017. In November 2015, the NCPO proposed that the new constitution should guarantee blanket amnesty for the use of military force to “protect national security.”

Freedom of Assembly and Expression

The NCPO has banned political gatherings of more than five persons. Since the coup, at least 80 people have been arrested and sent to military courts for organizing or taking part in peaceful public gatherings.

At time of writing, at least 27 people had been arrested and charged with sedition for criticizing military rule and violating the junta's ban on public assembly, including 14 activists from the New Democracy Movement in Bangkok arrested in June 2015. On December 8, Thanakorn Siripaiboon, a 27-year-old factory worker, was arrested and charged with sedition and computer crimes for sharing Facebook infographics alleging corruption by Prayut and other junta leaders in the army's Rajabhakti Park project.

The junta has also aggressively restricted free expression, using section 44 of the interim constitution.

In April, authorities suspended broadcasts by Peace TV and TV 24, accusing the stations of violating the NCPO's ban on criticism of the military. In November, Fah Hai TV was shut down by authorities on the same grounds. Human Rights Watch's Thailand webpage remains blocked in the country because authorities deem it a threat to national security.

Military units in Bangkok and other provinces forced the cancellation of more than 60 political events, seminars, and academic panels on political and human rights issues in 2015 on grounds that the events threatened stability and national security. The police and military enforced an NCPO order canceling report launch events by Human Rights Watch, Amnesty International, and the Thai Lawyers for Human Rights at the Foreign Correspondents Club of Thailand (FCCT) in Bangkok.

In September 2015, Prayut ordered the revocation of former Deputy Prime Minister Chaturon Chaisaeng's passport to punish him for his criticisms of military rule.

Criticizing the monarchy is a serious criminal offense in Thailand, and Prayut has made *lese majeste* (insulting the monarchy) prosecutions a top priority of the NCPO. Since the coup, 56 *lese majeste* cases have been brought, 43 against individuals for online commentary. Military courts have imposed harsher sentences than civilian courts did prior to the coup. In August 2015, the Bangkok Military Court sentenced Pongsak Sriboonpeng to 60 years in prison for alleged *lese majeste* Facebook postings (later reduced to 30 years when he pleaded guilty). It was the longest recorded sentence for *lese majeste* in Thailand's history.

In December, the junta announced that individuals who share, comment on, or click “Like” on Facebook contents that authorities deem offensive to the monarchy would be prosecuted for *lese majeste*. Junta leaders also strongly criticized foreigners who commented on Thailand’s increasingly harsh and arbitrary enforcement of the *lese majeste* law, including remarks by the United States ambassador, deeming the commentary interference in Thailand’s domestic affairs.

Arbitrary Detention

At time of writing, the NCPO had summoned at least 751 people for questioning since the coup. Most were affiliated with the ousted Pheu Thai Party and the activist group United Front for Democracy against Dictatorship (UDD), known as the “Red Shirts,” but they also included politicians, activists, and journalists accused by the junta of involvement in anti-coup activities or insulting the monarchy. Failure to report to authorities following an NCPO summons is considered an offense subject to trial in military court. The junta has issued arrest warrants and revoked the passports of at least 10 exiled dissidents for failing to report to the authorities when summoned.

Under the provisions of martial law and, later, section 44 of the interim constitution, the military can secretly detain people without charge or trial and interrogate them without access to lawyers or safeguards against mistreatment. The NCPO has summarily dismissed allegations that the military has tortured and ill-treated detainees but has provided no evidence to rebut those serious allegations.

Human Rights Watch submitted a letter to the Thai government on November 24, raising serious concerns regarding conditions at the 11th Army Circle military base after the recent deaths of fortuneteller Suriyan Sucharitpolwong and Police Maj. Prakrom Warunprapa—both charged with *lese majeste*—during their detention there.

The use of military courts, which lack independence and fail to comply with international fair trial standards, to try civilians—mostly political dissidents and alleged *lese majeste* offenders—increased significantly in 2015.

Impunity

Prime Minister General Prayut has frequently stated that soldiers should not be condemned for violence connected to the military dispersal of UDD street protests in April and May 2010—in which 90 people died and more than 2,000 were injured—despite evidence that most casualties resulted from unnecessary or excessive use of lethal force by soldiers. No military personnel have been charged for killing and wounding civilians at that time.

The government, however, has expedited investigations into cases in which persons connected to the UDD used violence in 2010, and UDD leaders and supporters face serious criminal charges. In contrast, there has been little progress in investigating or prosecuting alleged rights abuses and criminal offenses committed by the People's Alliance for Democracy (PAD), the so-called “Yellow Shirts,” and by the People's Democratic Reform Committee (PDRC) during political confrontations in 2008 and 2013-2014, respectively.

Violence and Abuses in Southern Border Provinces

Since January 2004, more than 6,000 ethnic Malay Muslims and ethnic Thai Buddhists have been killed in armed conflict in Thailand's southern border provinces.

Even though there was a drop in violent incidents after a peace dialogue started in August 2015 between the Thai government and Barisan Revolusi Nasional (BRN) and other armed separatist groups in the loose Majlis Syura Patani (Mara Patani) network, both sides have committed serious human rights abuses and violations of the laws of war.

Separatists have killed at least 175 teachers during 11 years of insurgency and continued to target civilians in bomb attacks, roadside ambushes, drive-by shootings, and assassinations.

Thai security forces have not been prosecuted for numerous illegal killings, torture, and other abuses against ethnic Malay Muslims. In many cases, Thai authorities provided financial compensation to the victims or their families in exchange for their agreement not to pursue criminal prosecution of abusive officials.

Enforced Disappearances

There has been no progress in the police investigation to locate ethnic Karen activist Por Cha Lee Rakchongcharoen, known as “Billy,” who was forcibly disappeared after officials at Kaengkrachan National Park arrested him on April 17, 2014, in Petchaburi province.

Until today, Thai authorities have failed to satisfactorily resolve any of the 64 enforced disappearance cases reported by Human Rights Watch, including the “disappearance” and presumed murder of prominent Muslim lawyer Somchi Neelapaijit by a group of police officers in March 2004.

Thailand signed the International Convention for the Protection of All Persons from Enforced Disappearance in January 2012 but has not ratified the treaty. The penal code still does not recognize enforced disappearance as a criminal offense.

Human Rights Defenders

In September 2015, the Phuket Provincial Court acquitted Chutima Sidasathian and Alan Morison—journalists from the online newspaper *Phuketwan*—who had been put on trial for criminal defamation and breach of the Computer Crimes Act for publishing a paragraph from a Reuters special report on Rohingya boat people that the Thai navy alleged had implicated their personnel in human trafficking.

In June 2015, the Yala provincial prosecutor issued a non-prosecution order in a criminal defamation case against Pornpen Khongkachonkiet and the Cross Cultural Foundation, ruling that their open letter calling for an investigation into torture allegedly committed by paramilitary troops of the 41st Taharnpran Unit had been published in good faith.

Despite positive outcomes in the above-mentioned cases, Thai authorities and private companies have continued to use defamation lawsuits to retaliate against those who report human rights violations. On August 24, 2015, the Southern Bangkok Criminal Court indicted migrant rights activist Andy Hall on criminal charges in a lawsuit filed by Natural Fruit Co. Ltd., one of Thailand’s biggest pineapple processors, for a report alleging serious labor rights abuses at one of its factories.

Refugee Rights

Thailand is not a party to the 1951 Refugee Convention and its 1967 Protocol. Asylum seekers are treated by Thai authorities as illegal migrants, and subject to arrest and deportation.

Thai authorities continue to violate the international prohibition against refoulement (forcible return) by forcing refugees and asylum seekers back to countries where they are likely to face persecution. On July 9, 2015, defying pleas to the contrary from the United Nations Refugee Agency (UNHCR) and several foreign governments, Thai authorities forcibly returned at least 109 ethnic Uighurs to China. Their current whereabouts and well-being are unknown. In November, the Thai government repatriated human rights activist Dong Guangping and Jiang Yefei, both recognized as refugees by UNHCR and accepted for resettlement in Canada, to China.

In May 2015, Thai authorities discovered at least 30 bodies at an abandoned human trafficking camp in Songkhla province close to the Thai-Malaysian border. Police reports indicated the dead were ethnic Rohingya from Burma and Bangladesh who starved to death or died from abuses or disease while held by traffickers who were awaiting ransom payments before smuggling them into Malaysia.

The case led to the arrest of army Lt. Gen. Manas Kongpan together with 52 local politicians, community leaders, businessmen, and gangsters for trafficking. In November, Police Maj. Gen. Paween Pongsirin—the chief investigator in the case—resigned and left Thailand to seek asylum in Australia, claiming he was fearful of retaliation and that he had received no protection from his supervisors.

On May 22, Thailand hosted an international meeting to address the thousands of Rohingya asylum seekers and migrants stranded at sea in small boats, but, unlike Malaysia and Indonesia, refused to work with UNHCR to conduct refugee status determination screenings or set up temporary shelters for those rescued.

Despite the peril faced by those on the boats, Thai authorities regularly took action to prevent boats carrying Rohingya from landing in Thailand. On many occasions, boats were

intercepted and pushed back to sea after receiving rudimentary humanitarian assistance and supplies from Thai authorities.

Migrant workers from Burma, Cambodia, and Laos are vulnerable to abuses by police and government authorities and to exploitation by employers and criminals, including sexual violence and extreme labor exploitation. Trafficking of migrants into sex work or onto Thai fishing boats remained pressing concerns in 2015.

Thailand also continues to detain unaccompanied children and families with children, in violation of international standards.

Anti-Narcotics Policy

The junta has shown no interest in investigating extrajudicial killings related to past anti-drug operations, especially the more than 2,800 killings that accompanied then-Prime Minister Thaksin Shinawatra's "war on drugs" in 2003.

Drug users are sent to "rehabilitation" centers, mostly run by the military and Interior Ministry, where "treatment" consists mainly of military-style physical exercise with little or no medical assistance for drug withdrawal symptoms.

Health

Residents of lower Klity Creek in Kanchanaburi province continue to be exposed to toxic lead from a now-defunct lead processing factory. On January 10, 2013, Thailand's highest administrative court ordered the government to remove the lead from the creek, but Thailand's Pollution Control Department has yet to begin a proper clean-up.

Sexual Orientation and Gender Identity

Thailand's Gender Equality Act, a national non-discrimination law that specifically protects against discrimination on the grounds of gender expression, came into effect in September.

Key International Actors

The UN and Thailand's major allies—including the US, European Union, and Japan—continued to urge the junta in 2015 to respect human rights and return the country to democratic civilian rule through free and fair elections as soon as possible. However, no international action has been taken against the junta for its failure to do so.

In November 2015, an international accrediting body recommended downgrading the status of Thailand's National Human Rights Commission based on concerns about its lack of independence, ineffectiveness, and flawed processes for selecting commissioners. A downgrade would result in the commission losing its privileges to present views at the UN Human Rights Council.

After an August 17 bomb attack in Bangkok killed at least 20 people and wounded 125 others, Thai authorities arrested Bilal Muhammed and Meiraili Yusufu, ethnic Uighurs from China. The two suspects were put on trial in a military court trial for offenses including murder and illegal weapons possession.

The Trafficking in Persons Report of the US State Department kept Thailand in Tier 3 for another year for failing to combat human trafficking. In April 2015, the European Commission put Thailand on formal notice for not taking sufficient measures in the international fight against illegal fishing.